

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GARY L. COOPER,

Defendant.

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Civil Action No. 10-670(FSH)

REPORT & RECOMMENDATION

This matter having come before the Court on November 30, 2010, which was the return date of the Order dated November 15, 2010, directing the defendant to show cause why sanctions, including a recommendation that the United States District Judge strike his Answer, direct that the Clerk enter default, and permit the plaintiff to file a motion for default judgment, should not be imposed pursuant to Fed. R. Civ. P. 16 and/or 37 for his failure to comply with the Order dated October 14, 2010 and provide responses to the discovery served upon him;

and the defendant having been on notice of the hearing;

and the defendant having failed to appear at the hearing or respond to the discovery served upon him or respond to the Order to Show Cause;

and for the reasons set forth in the Opinion delivered on the record on November 30, 2010;

and for good cause shown,

IT IS ON THIS 30th day of November, 2010

RECOMMENDED that the United States District Judge strike the defendant's Answer, direct that the Clerk enter default, and permit the plaintiff to file a motion for default judgment because he failed to respond to the interrogatories and document demands served upon him and comply with the Order dated October 14, 2010 and failed to appear on November 30, 2010 or

otherwise respond to the Order to Show Cause. The plaintiff's request for additional monetary sanctions as a result of their court appearances when the defendant failed to appear is denied.

THE PARTIES HAVE FOURTEEN DAYS TO FILE AND SERVE OBJECTIONS TO THIS REPORT AND RECOMMENDATION; and

IT IS FURTHER ORDERED that the plaintiff shall serve a copy of this Report and Recommendation by regular mail, certified mail/return receipt requested or overnight mail, and email, and that the plaintiff shall also file a certification setting forth proof that the Order has been served; and

IT IS FURTHER ORDERED that the Clerk of the Court shall mail a copy of this Report and Recommendation to the defendant at: 610 Salem Ave, Apt. D-12, Elizabeth, New Jersey 07208 and P.O. Box 178, Elizabeth, New Jersey 07208.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE